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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,512	09/28/2000	Richard Thomas Aiken	5-11	2116

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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,512

Applicant(s)

RICHARD THOMAS AIKEN ET AL

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6-7,9-13,15-16,18-20, 22-23 and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Forssen et al (US 5615409).

Regarding claims 1,10 and 18, Forssen et al disclose a system, a transmitter and method for generating a composite electromagnetic (EM) field to carry a signal to at least two terminals by directing energy in a plurality of directions (see fig. 2a and 2b), the amount of energy directed in the direction of each of the terminals being a function of the locations and acceptable receive strengths of at least two of the terminals (see fig. 2a-2b and fig. 2-5; col. 4, lines 36-67).

Regarding claims 2, 11 and 19, the transmitter, system and method of Forssen et al also disclose wherein the function is such that a strength of the EM field at the location of any of the at least two terminals is at least as large as, but not significantly larger than, needed for that terminal to receive the signal carried by the EM field with an acceptable level of signal quality (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67).

Regarding claims 3, 12 and 20, the transmitter, system and method of Forssen et al also comprises the step of: determine for each one of the terminals an EM field that would have to be generated for the one terminal in order to provide an acceptable receive strength thereat, the determining taking into account the strength, at the location of the one terminal, of EM fields previously determined for others of the terminals (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67); repeat the first determining until the EM fields determined for the at least two of the terminals provide an EM field strength for each of the at least two of the terminals that is substantially equal to its adequate receive strength (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67); determine the amount of energy to be directed in the direction of each of the terminals based on the EM fields thus determined (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67).

Regarding claims 4, 13 and 23, the transmitter, system and method of Forssen et al also includes: each EM field being represented by one of a plurality of beam patterns (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67 and col. 2, lines 20-41); the first determining comprises determining for each one of the terminals a beam pattern that would have to be generated for the one terminal in order to provide an acceptable receive signal strength thereat, the determining taking into account the EM field strength, at the location of the one terminal, of beam-patterns previously determined for others of the terminals (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67 and col. 2, lines 20-41); and the repeating comprises repeating the first determining until the beam-patterns determined for the at least two of the terminals provide an EM field strength for each of the at least two of the terminals that is substantially equal to its adequate receive signal strength (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67 and col. 2, lines 20-41).

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Regarding claims 6,15 and 25, the transmitter, system and method of Forssen et al also discloses wherein one of a plurality of weight vectors corresponds to each of the beam-patterns (see fig. 2a-2b and fig. 3-5; col. 4, lines 36-67; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41), and the second determining step comprises the steps of determining a composite weight vector using the plurality of weight vectors, and a null-filling factor (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41);

determining a composite beam-pattern using the composite weight vector, the composite beam-pattern representing the composite EM field (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41); and

determining the amount of energy to be directed in the direction of each of the terminals based on the composite EM field (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41).

Regarding claims 7, 16 and 26, the transmitter, system and method of Forssen et al also discloses a processor operable to:

determining for each one of the terminals an EM field that would have to be generated for the one terminal in order to provide an acceptable receive strength thereat if that one terminal was the only terminal that needed to receive the signal (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41); determine a scaling factor for each EM field such that each EM field, associated with the at least two terminals, scaled by its scaling factor provides an EM field strength at the location of each of these at least two terminals that is substantially equal to its adequate receive strength (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41); scale each EM field, associated with the at least two terminals, by its scaling

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factor (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41); and determine the amount of energy to be directed in the direction of each of the terminals based on the EM fields thus determined (see fig. 2a-2b and fig. 4; col. 3, line 53 to col. 4, line 67 and col. 2, lines 20-41).

Regarding claims 9, 27 and 28, the transmitter, system and method of Forssen et al also discloses transmitting the signal/energy to the terminals via a phased array antenna (see fig. 1, 2a-2b and fig. 4; col. 3, line 1 to col. 4, line 67 and col. 2, lines 20-41).

Regarding claims 22 and 29-30, Forssen et al also discloses the system is a wireless communication system comprising a base station and terminals being mobile terminals (see abstract and fig. 2a-2b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssen et al (US 5615409).

Regarding claims 5, 14 and 24, the transmitter, system and method of Forssen et al does not mention the beam-patterns being voltage beam patterns; the acceptable receive strength being an acceptable received voltage; and the adequate receive strength being an adequate receive voltage. Examiner takes official notice that it would have been obvious to one of ordinary skill in

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the art at the time of the invention that signal strengths calculated and converted from voltage of signals are well known in the art. As explained above, ^{Forssen}~~Forssen~~ et al clearly disclose the beam-patterns being voltage beam patterns; the acceptable receive strength being an acceptable received voltage; and the adequate receive strength being an adequate receive voltage.

4. Claims 8, 17 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssen et al (US 5615409) in view of Matsuda et al (US 5200755).

Regarding claims 8, 17 and 31, the transmitter, system and method of Forssen et al does not disclose the direction is an azimuth direction. However, Matsuda et al disclose the direction is an azimuth direction (see col. 7, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Matsuda et al to Forssen et al in order to form the antenna in the direction of each of the terminals automatically and accurately.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forssen et al (US 5615409) in view of Wong et al, (U.S. 6,330,460).

Regarding claim 21, the transmitter, system and method of Forssen et al does not mention the processor is located in the transmitter. However, in Wong as modified above, the processor is located in the transmitter. See Wong, Fig. 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of

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Wong to Forssen et al in order to form the antenna in the direction of each of the terminals automatically and accurately.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen


ERIKA GARY
PATENT EXAMINER